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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,786	08/30/2001	Maria Azua Himmel	AUS920010628US1	9749

34533 7590 07/06/2004

IBM CORP (BLF)
c/o BIGGERS & OHANIAN, LLP
504 LAVACA STREET, SUITE 970
AUSTIN, TX 78701-2856

EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,786

Applicant(s)

HIMMEL ET AL.

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

This application has been filed with informal drawings, which are acceptable for examination purposes only. Figure 1 through Figure 4 contains improper text and lines that may affect clarity when reproduced.

Applicant is required to submit a formal correction of the noted defect. Applicant is required to submit drawing corrections promptly. Drawing objections may no longer be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by

Mourad Patent Application Publication No. US 2003/0135464.

Referring to claim 1. Mourad discloses a method of online shopping comprising the steps of:

- Purchasing an electronic item from a merchant web site (at least paragraph 0282);

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- Wherein the purchasing is carried out by use of a client shopping cart (at least paragraph 0282 and paragraph 0902),
- Wherein the client shopping cart further comprises a merchandise pickup facility installed on a client (at least paragraph 0980, "Cache Manager"), and
- Wherein the client is coupled for data communications to the merchant web site (at least Figure 5);
- Downloading, to the client, the electronic item through the merchandise pickup facility on the client (at least paragraph 1233); and
- Installing the electronic item through the merchandise pickup facility on the client (at least paragraph 1233).

Referring to claim 2. Mourad further discloses a method wherein the merchandise pickup facility comprises application software integrated within the client-shopping cart (at least paragraph 1233).

Referring to claim 3. Mourad further discloses a method wherein the merchandise pickup facility comprises a data communications software application installed upon the client and connected to the client-shopping cart through an interface (at least Figure 7).

Referring to claim 4. Mourad further discloses a method wherein the merchandise pickup facility comprises software integrated within the client as a plug-in wherein the merchandise pickup facility is connected to the client-shopping cart through an interface (at least paragraph 1122).

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Referring to claim 5. Mourad further discloses a method wherein downloading the electronic item comprises downloading the electronic item to the client through a service provider site upon which is installed a remote merchandise pickup facility (at least paragraph 0133).

Referring to claim 6. Mourad further discloses a method comprising scheduling the downloading (at least paragraph 0133).

Referring to claim 7. Mourad further discloses a method wherein the downloading is performed in accordance with a predefined schedule, wherein the schedule is stored in computer memory on the client (at least paragraph 0133).

Referring to claim 8. Mourad further discloses a method wherein the client has a temporary web address.

The Examiner notes, the status of the web address (temporary or permanent) are not functionally involved in the steps recited. The method steps would be performed the same regardless of the status of the web address. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

Referring to claim 9. Mourad further discloses a method wherein the client has a permanent web address (at least paragraph 0004 through paragraph 0020).

The Examiner notes, the status of the web address (temporary or permanent) are not functionally involved in the steps recited. The method steps would be performed the same regardless of the status of the web address. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

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Referring to claim 10. Mourad further discloses a method wherein the downloading is performed in accordance with a predefined schedule, wherein the schedule is stored in computer memory on the merchant web site (at least paragraph 1233).

Referring to claim 11. Mourad further discloses a method wherein the client has a permanent web address (at least paragraph 0004 through paragraph 0020).

The Examiner notes, the status of the web address (temporary or permanent) are not functionally involved in the steps recited. The method steps would be performed the same regardless of the status of the web address. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

Referring to claims 12-22. Claims 12-22 are rejected under the same rationale as set forth above in claims 1-11

Referring to claims 23-33. Claims 23-33 are rejected under the same rationale as set forth above in claims 1-11

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Krishnan, U.S. Patent Number 6,073,124, June 6, 2000, discloses a method and system for securely incorporating electronic information into an online purchasing application.

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Charette, U.S. Patent Application Publication Number 2002/0069114 A1, June 6, 2002, discloses a method and system for placing a purchase order over a communications network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew s Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG
June 16, 2004


Jeffrey A. Smith
Primary Examiner